



General Assembly

January Session, 2005

***Raised Bill No. 956***

LCO No. 2856

\*02856\_\_\_\_\_LAB\*

Referred to Committee on Labor and Public Employees

Introduced by:  
(LAB)

***AN ACT CONCERNING PORTAL-TO-PORTAL WORKERS'  
COMPENSATION COVERAGE FOR CORRECTION OFFICERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (1) of section 31-275 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2005*):

4 (A) (i) For a police officer or firefighter, "in the course of his  
5 employment" encompasses such individual's departure from such  
6 individual's place of abode to duty, such individual's duty, and the  
7 return to such individual's place of abode after duty;

8 (ii) For an employee of the Department of Correction, when  
9 responding to a call to duty pursuant to an emergency, "in the course  
10 of his employment" encompasses such individual's departure from  
11 such individual's place of abode to duty, such individual's duty, and  
12 the return to such individual's place of abode after duty. For purposes  
13 of this subparagraph, "emergency" means an event that poses an  
14 imminent threat to the health, safety or welfare of individuals at a  
15 correction facility;

16     [(ii)] (iii) Notwithstanding the provisions of [clause] clauses (i) and  
17     (ii) of this subparagraph, the dependents of any deceased employee of  
18     the Department of Correction who was injured in the course of his  
19     employment, as defined in this subparagraph, on or after July 1, 2000,  
20     and who died not later than July 15, 2000, shall be paid compensation  
21     on account of the death, in accordance with the provisions of section  
22     31-306, retroactively to the date of the employee's death. The cost of the  
23     payment shall be paid by the employer or its insurance carrier which  
24     shall be reimbursed for such cost from the Second Injury Fund as  
25     provided in section 31-354 upon presentation of any vouchers and  
26     information that the Treasurer may require;

27     (B) A personal injury shall not be deemed to arise out of the  
28     employment unless causally traceable to the employment other than  
29     through weakened resistance or lowered vitality;

30     (C) In the case of an accidental injury, a disability or a death due to  
31     the use of alcohol or narcotic drugs shall not be construed to be a  
32     compensable injury;

33     (D) For aggravation of a preexisting disease, compensation shall be  
34     allowed only for that proportion of the disability or death due to the  
35     aggravation of the preexisting disease as may be reasonably attributed  
36     to the injury upon which the claim is based;

37     (E) A personal injury shall not be deemed to arise out of the  
38     employment if the injury is sustained: (i) At the employee's place of  
39     abode, and (ii) while the employee is engaged in a preliminary act or  
40     acts in preparation for work unless such act or acts are undertaken at  
41     the express direction or request of the employer;

42     (F) For purposes of subparagraph (C) of this subdivision, "narcotic  
43     drugs" means all controlled substances, as designated by the  
44     Commissioner of Consumer Protection pursuant to subsection (c) of  
45     section 21a-243, but does not include drugs prescribed in the course of  
46     medical treatment or in a program of research operated under the

47 direction of a physician or pharmacologist. For purposes of  
48 subparagraph (E) of this subdivision, "place of abode" includes the  
49 inside of the residential structure, the garage, the common hallways,  
50 stairways, driveways, walkways and the yard;

51 (G) The Workers' Compensation Commission shall adopt  
52 regulations, in accordance with the provisions of chapter 54, to  
53 implement the provisions of this section and shall define the terms "a  
54 preliminary act", [and] "acts in preparation for work", "departure from  
55 place of abode to duty" and "return to place of abode after duty" on or  
56 before [October 1, 1995] January 1, 2006.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2005</i>	31-275(1)
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***Statement of Purpose:***

To include correction officers among those employees who are covered under the Workers' Compensation Act for injuries sustained while going to and from work.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*